

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GEORGE KIDD,)	
)	2:11cv872
Petitioner,)	Electronic Filing
)	
v.)	Judge Cercone
)	Magistrate Judge Eddy
BRIAN COLEMAN, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM ORDER

George Kidd (“Petitioner”) currently is a state prisoner incarcerated at the State Correctional Institution at Fayette (“SCI-Fayette”) in La Belle, Pennsylvania. Petitioner filed the instant habeas petition, without filing fee or motion for leave to proceed *in forma pauperis* (“IFP”) on July 1, 2011. (Doc. 1). On July 6, 2011, this Court ordered Petitioner to submit the applicable filing fee, or to file a motion to proceed IFP, on or before August 3, 2011. (Doc. 2 at 1). As of the date of this writing, Petitioner has not complied with that order, nor has he moved for an extension of time in which to do so.

This matter was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrate Judges. On October 17, 2011, the magistrate judge issued a report and recommendation recommending that this case be dismissed due to Petitioner’s failure to comply with the above-mentioned order of the court. (Doc. 4). The magistrate judge further recommended that, to the extent that one is applicable, a certificate of appealability be denied. A copy of the report was mailed to Petitioner’s address of record, and Petitioner was given until October 31, 2011, to file objections. As of the date of this writing, no objections have been filed,

nor has Petitioner submitted the applicable filing fee or a motion for leave to proceed IFP, nor has he sought an extension of time in which to do so.

After *de novo* review of the pleadings and documents in the case, together with the report and recommendation (Doc. 4), the following ORDER is entered:

AND NOW, this 30th day of November, 2011,

IT IS HEREBY ORDERED that the instant petition for writ of habeas corpus (Doc. 1) is DISMISSED without prejudice.

IT IS FURTHER ORDERED that, to the extent that one is applicable, a certificate of appealability is DENIED.

IT IS FURTHER ORDERED that the magistrate judge's report and recommendation of October 17, 2011 (Doc. 4), is adopted as the opinion of this Court.



David Stewart Cercone
United States District Judge

cc: George Kidd
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